srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2479 OF 2007.
IN
WRIT PETITION NO. 7194 OF 2006.

Indian Oil Corporation & Anr. ..Applicants.

V E R S U S

Santosh M. Giri. ..Respondent.

Mr. H. S. Venegaonkar and Mr. Chirag Mody i/b RMG Law Associates for the Applicants.

Mr. Rahul Kadam i/b Mr. Uday P. Warunjikar for the respondent.

CORAM: S. B. MHASE & D.G.KARNIK,JJ.

DATE: SEPTEMBER 28, 2007.

P.C.

1. Heard learned counsel for the applicants and the non-applicant. By this application the applicant prays for vacating the order of stay granted by this Court on April 4, 2007.

2. Prior to the passing of the order for stay, a notice was issued to the applicant no.1 - Indian Oil Corporation returnable on 21st November 2006. Though the respondent no.1 was served he was absent. Again a fresh notice was issued to the applicant no.2 - Divisional Manager of the Indian Oil Corporation and that notice was also served. But on the date fixed for hearing on admission and hearing on interim relief, i.e., on 4th April 2007 the applicants remained absent.

As the respondents were absent this Court heard the matter and after issuing rule granted interim relief.

3. Now, the grievance is made that the order is passed ex-parte and without giving opportunity to the applicants and therefore it should be vacated. In our view the grievance of the applicants is misconceived. As notice was issued and was received both by the applicant no.1 and its Divisional Manager and as the applicants did not attend the Court on 4.4.2007 there was no alternative for the Court than to proceed in the absence of the applicants. We do not see any reason to vacate the order which is passed after recording reasons. Civil application is therefore rejected.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**